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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,592	02/07/2000	James P. Jackson	M-7876 US	1483

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EXAMINER	
NGUYEN, DAT	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/499,592	JACKSON ET AL.	
	Examiner	Art Unit	
	Dat T. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24-34 and 71-103* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24-34 and 71-103* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on July 29, 2005 in which applicant amends claims 31-34, 78-81, 83, 89-92 and 100-103, and responds to claim rejections. Claims 24-34 and 71-103 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 24-34 and 71-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (U.S. 5,286,023).

The rejection as stated in Office Action, Paper no. 01192005 is retained and incorporated herein.

However, Wood fails to explicitly disclose the requirement of wager activating a plurality of pay lines for a gaming machine receiving the wager, a number of play lines activated by a second wager amount being identical to a number of play lines activated by a first wager amount, and a number of play lines activated by a second wager amount being larger than a number of play lines activated by the first wager amount. It is notoriously well known in the art to provide the player with such options as play line selection and various combinations of play line activation in order to increase player

interest. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the various play line activation options in the device of Wood in order to increase player interest and provide more revenue for machine owners.

3. Claims 24-34 and 71-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keesee (U.S. 5,282,620).

The rejection as stated in Office Action, Paper no. 01192005 is retained and incorporated herein.

However, Keesee fails to explicitly disclose the requirement of wager activating a plurality of pay lines for a gaming machine receiving the wager, a number of play lines activated by a second wager amount being identical to a number of play lines activated by a first wager amount, and a number of play lines activated by a second wager amount being larger than a number of play lines activated by the first wager amount. It is notoriously well known in the art to provide the player with such options as play line selection and various combinations of play line activation in order to increase player interest. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the various play line activation options in the device of Keesee in order to increase player interest and provide more revenue for machine owners.

4. Claims 24-34 and 71-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. 6,402,150).

The rejection as stated in Office Action, Paper no. 01192005 is retained and incorporated herein.

However, Jones fails to explicitly disclose the requirement of wager activating a plurality of pay lines for a gaming machine receiving the wager, a number of play lines activated by a second wager amount being identical to a number of play lines activated by a first wager amount, and a number of play lines activated by a second wager amount being larger than a number of play lines activated by the first wager amount. It is notoriously well known in the art to provide the player with such options as play line selection and various combinations of play line activation in order to increase player interest. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the various play line activation options in the device of Jones in order to increase player interest and provide more revenue for machine owners.

5. Claims 24-34 and 71-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grippo et al. (U.S. 5,282,620).

The rejection as stated in Office Action, Paper no. 01192005 is retained and incorporated herein.

However, Grippo et al. fails to explicitly disclose the requirement of wager activating a plurality of pay lines for a gaming machine receiving the wager, a number of play lines activated by a second wager amount being identical to a number of play lines activated by a first wager amount, and a number of play lines activated by a second wager amount being larger than a number of play lines activated by the first wager amount. It is notoriously well known in the art to provide the player with such options as play line selection and various combinations of play line activation in order to increase player interest. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of invention to include the various play line activation options in the device of Grippo et al. in order to increase player interest and provide more revenue for machine owners.

Response to Arguments

6. Applicant's arguments filed July 29, 2005 have been fully considered but they are not persuasive.

7. Regarding claim 14, Applicant alleges that the prior art fails to disclose or otherwise suggest paying progressive jackpots according to a wager amount for a winning progressive jackpot result and that they also fail to show or suggest increasing a second progressive jackpot more than a first progressive jackpot in response to receiving a wager. Examiner respectfully disagrees. Wood and Keesee disclose a pre-selected payback allocation percentage, which is dependent on wager amount. Furthermore, Wood discloses a lottery ball game wherein an extra ball is played depending on the wager amount wherein the player was a chance of winning the larger of the two jackpots. Furthermore, it would be an obvious trait of the invention of Wood and Keesee to increase a second progressive jackpot more than a first progressive jackpot in response to receiving a wager because both disclose the limitation of a first progressive jackpot being larger than a second progressive jackpot. The only way for this limitation to be true is if one jackpot were to be incremented larger than the other jackpot due to receiving a wager.

8. Regarding Jones and Grippo et al. see arguments above.

9. Regarding claim 26, Applicant alleges that the prior art fails to disclose the limitation of paying multiple progressive jackpots in if the wager is at least a predetermined amount. Examiner respectfully disagrees. The card game of Jones discloses the possibility of side pots or side progressive jackpots in which a player is able to participate based on wager amount wherein if the player wins the entire hand then the player wins all the jackpots.

10. Regarding claim 27, Applicant alleges the prior art fails to disclose resetting the jackpot amount after paying out. Examiner does not believe this to be a patentably distinguishing feature because it is notoriously well known in the art to do so and further more, the jackpots would have to be reset to some amount whether it be zero or a positive amount.

11. Regarding claim 29, Applicant alleges that the prior art fails to disclose the gaming system comprising a single gaming machine. Examiner respectfully disagrees. Wood discloses such a limitation in col. 2, lines 40-43.

12. Regarding claim 30, Applicant alleges that the prior art fails to disclose the gaming system linked to a plurality of gaming machines wherein the progressive jackpots are linked. Examiner respectfully disagrees. Wood discloses such a limitation in col. 2, lines 37-40.

13. Regarding claim 31, Applicant alleges that the prior art fails to disclose the limitation of a wager activating a single play line for a gaming machine receiving the wager. Examiner respectfully disagrees. The prior art does disclose such a limitation. The lotto balls of Wood and card hand of Jones could be considered a play line.

14. Applicant's arguments with respect to claim32-81 have been considered but are moot in view of the new ground(s) of rejection.

15. Regarding claim 82, Applicant alleges cited references fail to teach or suggest a gaming system that specifically pas the largest of either a first progressive jackpot or a second progressive jackpot if a random gaming result is a winning progressive jackpot result. Examiner respectfully disagrees. Wood discloses such a limitation in col. 4, lines 43-45 wherein if the player matches the entire series of lottery numbers including the extra ball, the player is rewarded the larger jackpot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is 5712722178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

JOHN M. HOTALING, II
PRIMARY EXAMINER